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September 9, 1997

Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

Office of the Secretary:

Please accept the enclosed comment (original plus 4 copies) pursuant to FCC document *Second Report and Order and Second Further Notice of Proposed Rule Making* # 97-217; PR Docket No. 92-257.

Sincerely,

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Enc: *Reply Comments of the State of Montana* original and 4 copies

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	PR Docket No. 92-257
Amendment of the Commission's	)	RM-7956, 8031, 8352
Rules Concerning Maritime	)	
Communications	)	

Reply Comments of the State of Montana

Second Report and Order and Second Further Notice of Proposed Rule Making, 97-217

The Federal Communications Commission has recently issued information and rule making based on the efficient usage of spectrum. One of the key issues evolving from the various new rule making regards antiquated restrictions that have promulgated from a different time and operating environment. It is within these general guidelines[1] that the State of Montana would ask the Commission to consider adding increased flexibility when considering new policy decisions regarding rules governing Maritime Communications.

Specifically, the State of Montana would request the changes that would enable the use of certain VHF Maritime frequencies for inland public safety operations where there is no conflict with existing Maritime services. We believe this request is consistent with the general intentions of the Commission.

Discussion

[1]Introduction, Report and Order and Further Notice of Proposed Rule making, PR Docket No. 92-235, RO 95-255 para. 1-4.

The State of Montana is currently engaged in a project designed to address and resolve the current deficiencies and future requirements facing its public safety communications. The State made a concerted effort to upgrade its public safety communications systems several years ago by actively planning to move all state public safety communications agencies to a cohesive band where interoperability could be achieved. This move was entirely voluntary and over a period of many years, 95% of all levels of public safety communications migrated to the high band VHF spectrum. This process revolved around a pre-planning effort to coordinate the existing high band spectrum primarily in the law enforcement arena. Along with this coordinated effort, the State developed a mutual aid policy consisting of several frequencies reserved for inter-jurisdiction and inter-discipline operations.

Although the effort was entirely voluntary on the behalf of local and state agencies, the vast majority converted to the high band VHF spectrum in a relatively short time frame. This included not only law enforcement, but all other aspects of public safety. This was due to farsighted planning efforts providing enhanced capabilities and interoperability.

Now, there are new changes and challenges facing the public safety community. There are current regulatory changes that are affecting the local communities[2]. Technological changes have now evolved that will alter the manner in which current agencies conduct their business. Operational efficiencies are becoming mandatory due to limited funding sources and growing requests for service.

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[2]Second Report and Order, 97-61, PR Docket No. 92-235

In order to address these changes and new requirements, the State has embarked on a project to determine the scope and range of these impacts and develop possible solutions. The State of Montana Radio Project has determined that new technology can indeed solve many of our identified problems. Leveraging on the State's strong entrenchment in high band VHF, the state has determined that this spectrum should be retained. However, to use the new additional narrowband channels and implement a shared public safety communications system, the State has discovered in order to implement a new technology trunked radio system, they must clear existing frequencies to fully utilize the capabilities provided in new rule making.[3]

The Commission has enhanced the flexibility to pursue advanced systems in the high band VHF spectrum through the authorization of trunking and the consolidation of the Public Land Mobile Radio services. This is a start, but to effectively implement changes, blocks of relatively open and available frequencies must be obtained. The Commission has authorized the implementation of the newly identified narrow band frequencies, however, we find that they are unassignable as long as existing conventional wide band systems are present due to adjacent channel interference. We need to clear the existing wide band frequencies in order to properly coordinate a state-wide shared resource narrow band communications system.

In an environment where voluntary participation is mandatory, we can not arbitrarily require the abandonment of existing systems without providing a clear system in which to move the incumbents. One solution would be to obtain new spectrum that is either unused or minimally

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[3] Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio services and Modify the Policies Governing Them, SRO 97-61, PR Docket No. 92-235.

used in this region. We identify this spectrum as "green space" and believe it is essential to enabling the possibilities of refarming.

Once a cohesive system that serves the purpose of existing local entities is in place, the incumbent wide band frequencies can be cleared enabling the possibility of true spectrum efficiency. As local users migrate onto the new system, original public safety frequencies can be re-integrated back in to the system. At this point the original "green space" frequencies could be returned to their original service or used as an ongoing shared resource.

One identified source of frequencies in high band VHF spectrum is the Maritime VHF frequencies. These are an under-utilized resource in inland areas such as Montana. There are many aspects of the VHF Maritime frequencies that mesh well with the uses of conventional public safety land mobile frequencies[4]. The identified emergency contact Maritime VHF channels would be avoided or added to our current compliment of existing identified mutual aid high band VHF frequencies and reserved specifically for their current intended use in a conventional mode.

Large area state-wide or regional shared systems are becoming the only method by which local public safety agencies can justify the expense to move to the new capabilities provide by new technology. Implementing such systems is a challenge for planners. These planners require as much flexibility as possible to mach the needs of their specific areas requirements.

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[4]Second Report and Order and Second Further Notice of Proposed Rule Making, 97-217, Para. 86.

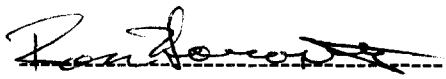
Montana has investigated the potential of using the relatively open bands in the UHF spectrum from 450 MHZ to 900 MHz. Coverage requirements and propagation factors combined with an extremely low population density indicate that moving from the incumbent high band VHF spectrum to the high frequencies would not be feasible. Coupled with our imbedded presence in high band VHF with the its inherent possibilities of a more graceful migration, have convinced planners that this is the direction of choice.

Conclusion

I would therefore request that as the Commission considers rule changes pertaining to all land mobile services as well as the Maritime service, they provide for the flexibility that will enable the full potential of efficient spectrum usage. This flexibility is consistent with the spirit and intent of the PSWAC Report[5] and essential to the realization of the PSWAC vision.

Respectfully Submitted,

State of Montana



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[5]Final Report of the Public Safety Wireless Advisory Committee, September 1996